

# UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA )  
v. ) **JUDGMENT IN A CRIMINAL CASE**  
ANGELA KINCAID )  
Case Number: 1:15CR00118-001  
USM Number: 61118-060  
Michael J. Donahoe  
Defendant's Attorney

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 2
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1343	Wire Fraud	5/6/2015	2

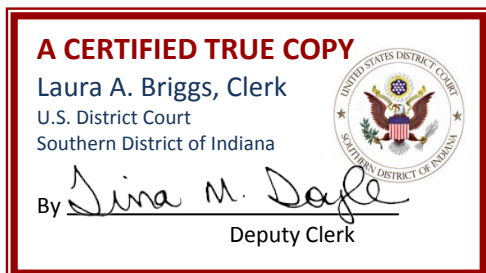
The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.


- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☒ Count(s) 1, 3, 4, 5, 6, 7, 8, 9, and 10 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/9/2016

Date of Imposition of Judgment



  
\_\_\_\_\_  
RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

6/28/2016

Date

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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 41 months

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
Designation to FCI Alderson, or another facility as close to Cleveland, OH, as possible; and that the defendant be allowed to participate in prison industries and available mental health programming.
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:  
☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .  
☐ as notified by the United States Marshal.
- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
☐ before 2 p.m. on \_\_\_\_\_ .  
☐ as notified by the United States Marshal.  
☒ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ , with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 years

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the conditions listed below:

## CONDITIONS OF SUPERVISION

- 1) You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
- 2) You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 3) You shall not knowingly leave the judicial district without the permission of the court or probation officer.
- 4) You shall answer truthfully the inquiries by the probation officer, subject to your 5<sup>th</sup> Amendment privilege. You shall permit a probation officer to visit you at a reasonable time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 5) You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
- 6) You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
- 7) You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
- 8) You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
- 9) You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
- 10) As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.

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### CONDITIONS OF SUPERVISION

- 11) You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
- 12) You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution. You shall not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
- 13) You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You shall pay some or all of the costs of such treatment, if financially able.
- 14) You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
- 15) You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall pay some or all of the costs of testing, if financially able. You shall not attempt to obstruct or tamper with the testing methods.
- 16) You shall not use or possess alcohol.
- 17) You shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, Spice, glue, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.
- 18) You shall participate in a mental health treatment program, as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.) You shall take all mental health medications that are prescribed by your treating physician and pay some or all the costs of such treatment, if financially able.

I understand that I and/or the probation officer may petition the Court to modify these conditions, and the final decision to modify these terms lies with the Court. If I believe these conditions are being enforced unreasonably, I may petition the Court for relief or clarification; however, I must comply with the directions of my probation officer unless or until the Court directs otherwise. Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$ 547,227.98

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Engine Air, Inc.	\$431,641.44	\$431,641.44	
JMA Rail Products	\$95,587.50	\$95,587.50	
JMA Railroad Supply Co.	\$16,712.04	\$16,712.04	
New Vision Manufacturing	\$3,287.00	\$3,287.00	

**TOTALS** \$ 547,227.98 \$ 547,227.98

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payment of \_\_\_\_\_ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C ☐ D ☐ E, or ☐ G below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ G below); or
- C** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G** ☒ Special instructions regarding the payment of criminal monetary penalties:  
Any unpaid restitution balance during the term of supervision shall be paid at a rate of not less than 10% of that defendant's gross monthly income.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Defendant Name

Case Number

Joint & Several Amount

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s): \_\_\_\_\_
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
See pages 5.01 through 5.04

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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### FORFEITED PROPERTY

1	Glock GMBH, Model 33 .357 Pistol, Serial Number: TWH270
2	Cobra Enterprises, Model CB38 .38 Derringer, Serial Number CT137322
3	Ruger, Model SR45 .45 Pistol, Serial Number 380-47735
4	Sig Sauer, Model P238 .380 Pistol, Serial Number 27A107268
5	Ruger, Model SR-22 .22 Pistol, Serial Number 364-40652
6	Browning, Model Baby .25 Pistol, Serial Number 219670
7	Glock GMBH, Model 22GEN4 .40 Pistol, Serial Number WXX023
8	Beretta, Pietro S.P.A., Model PX4 Storm Compact 9mm Pistol, Serial Number PX189953
9	Walther, Model PPK .380 Pistol, Serial Number WB055037
10	Norinco, Model MAK90 7.62 Rifle, Serial Number 9310273
11	Charter Arms, Shelton, CT Model Leopard .38 Revolver, Serial Number 14-46300
12	Ruger, Model SR1911 Commander .45 Pistol, Serial Number 671-65371
13	Hi-Point Firearms, Model 995 9 millimeter Rifle, Serial Number F56904
14	Israel Weapon Industries, Model TAVOR SAR-B16 5.56 millimeter Rifle, Serial Number T0033991
15	Century Arms International, Model Centurion 39 Sporter 7.62 millimeter Rifle, Serial Number 39NC09065
16	Harrington & Richardson 1871, Model 980 Ultra Slug, Serial Number HL286405
17	Heritage Manufacturing, Inc., Model Rough Rider .22 Revolver, Serial Number I44028
18	Beretta USA Corporation, Model 96 .40 Pistol, Serial Number BER170896
19	Taurus, Model PT1911 .45 Pistol, Serial Number TFY65161
20	Charter Arms, Model Undercover .38 Revolver, Serial Number 13-05280
21	Smith & Wesson, Model Governor 45/410 Revolver, Serial Number CUF2785
22	Harrington & Richardson 1871, Model Ultra Slug Hunter 20 Gauge Shotgun, Serial Number NL232961
23	Ruger, Model 10/22 .22 Rifle, Serial Number 823-76466
24	Remington Arms Company, Inc., Model 770 30-06 Rifle, Serial Number M71825302
25	Cobra Enterprises Inc., Model C32 .32 Derringer, Serial Number 098666
26	Masterpiece Arms, Model MPA57SST 5.7 Pistol, Serial Number V8834
27	Cobra Enterprises, Model CA380 .380 Pistol, Serial Number CP112976
28	Mossberg, Model 500A 12 Gauge Shotgun, Serial Number U446622
29	Weihrach & Weihrach GmbH & Co. KG, Model Windicator .357 Revolver, Serial Number 1711432
30	Charter Arms, Model Santa Fe Sky .38 Revolver, Serial Number 14-19493
31	DPMS Inc., Model Oracle, 5.56 Rifle, Serial Number L4026824
32	DPMS Inc., Model Panther Oracle, 5.56 Rifle, Serial Number L4035188
33	Keltec, CNC Industries, Inc., Model KSG, 12 Gauge Shotgun, Serial Number XF967
34	Smith & Wesson, Model M&P 40, .40 Pistol, Serial Number HPS4823
35	Hi-Point, Model 4595, .45 Rifle, Serial Number R40300
36	Real property commonly known as 256 E. 327 <sup>th</sup> Street, Willowick, Lake County, Ohio, Parcel Identification Number 28A045D000260
37	Blue Chevrolet Corvette, VIN 1Z37J5S428812

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### FORFEITED PROPERTY

38	Two 2015 Cleveland Browns season football tickets, Section 311, Row 11, Seats 7 and 8
39	Samson Technologies, 900 Watt Powered Mixer, Model XML910, Serial Number X9L1L0074
40	Fender, Passport Venue Portable All-In-One Sound System, Serial Number CGPC14000735
41	Furman, Sound Power Conditioner, Model SPB-BC, Serial Number 012801105827
42	Hartke Systems Speaker, Model 210XL, Serial Number H210X3I017
43	Crosley Radio Turntable, 2 Speed Belt Drive, Model CR6004A, Serial Number 110100490
44	Mark Bass Amplifier, Model SD 1200
45	Gallien Krueger Inc., Amplifier, Model MB800 Amplifier
46	Mark Bass Amplifier, Model Big Bang
47	Gallien Krueger Inc., Amplifier, Model 1001RB
48	Ludwig Accent 5 Piece Drum Set with Cow Bell
49	Hartke Systems, 1,000 Watt Bass Amplifier, Model Kilo 1000, Serial Number K 10003HA048
50	Paiste America, 17 Inch, Model 2002 Classic Crash Cymbal with Stand
51	Paiste America, 22 Inch, Model 2002 China Cymbal with Stand
52	Paiste America, 14 Inch, Model 2002 Classic China Cymbal with Stand
53	Yamaha Electronics Synthesizer, Model YPG-235, Serial Number UBT013562
54	Yamaha Electronics Audio Speaker, Serial Number YCNM02180
55	Yamaha Electronics Audio Speaker, Serial Number YCD4101588
56	Hartke Systems, Hydrive 810 Cabinet Speaker, Serial Number HC810H3J0009
57	Line 6, Spider IV 30 Guitar Amplifier, Serial Number SF21S5922014656
58	Chauvet Lighting, Hurricane 1800 Flex Fog Machine, Serial Number 050701600714000641
59	Sennheiser X5 Wireless Receiver, Model EM100, Serial Number 0462001327
60	Konig & Meyer Two Speaker Stand with Black Bag
61	Artist Series Guitar, Rob Zombie Electric Guitar, Serial Number 1140449
62	Gibson/Epiphone, Les Paul Standard 6-String Electric Guitar, Serial Number 1004122057
63	Gibson/Epiphone, Les Paul Custom Classic 6-String Electric Guitar, Serial Number 14031507786
64	Carvin Corporation Bass Guitar, Serial Number 127954
65	Schecter Guitar Research Bass Guitar, Serial Number W14082021
66	Traben Guitar, Serial Number J08130676
67	Ernie Ball/Music Man Inc., Bass Guitar, Serial Number E78785
68	Fender Bass Guitar, Serial Number MZI117948
69	Traben, Phoenix Rosewood Bass Guitar
70	Hartke Systems Bass Guitar
71	Traben Bass Guitar, Serial Number J08130609
72	Fender Bass Guitar, Serial Number CGF1316801
73	Fender Bass Guitar, Serial Number MN9360662



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### FORFEITED PROPERTY

74	Fender Bass Guitar, Serial Number US14021517
75	Hartke Systems Bass Guitar
76	Bartolini Bass Guitar, Serial Number 6737
77	Fender Bass Guitar, Serial Number US12263682
78	B.C. Rich, WMD Widow Electric Guitar, Serial Number H08120554
79	Warwick, Corvette Bass Guitar, Serial Number RBL530810-13
80	Ovation Guitar, Model 1655, Serial Number 313835
81	Hofner Guitar, Serial Number P1306X055
82	Peavey Electronics, Cirrus Bass Guitar, Serial Number ANBDH310434
83	Hughes & Kettner, TM212 Extension Cabinet Speaker
84	Roland Corporation, KC550 Keyboard Amplifier, Serial Number Z4D8952
85	Hartke Systems, HyDrive 810 Cabinet Speaker, Serial Number A21C0106
86	Pedaltrain, 2HC Hard Case
87	Fender, Vaporizer Guitar Amplifier
88	Fender, Mustang I Amplifier, Serial Number CGPL14006966
89	Orange, Crush Pro CR60C Amplifier
90	Hughes & Kettner, Grand Meister 36 Watt Tube Amplifier
91	Vintage National Reso-Phonic Guitars Inc., Val Pro 85 Bass Guitar, Serial Number G11587
92	Peavey, Powerslide Guitar, Serial Number ASBC1150157
93	Roland, RD-300NX Digital Piano, Serial Number Z4C7733
94	Mahalo, Ukes MLG1 Steel Guitar, Serial Number 20522899
95	Hofner, Contemporary Series, Shorty Guitar
96	C.F. Martin & Co., Backpacker Classical Acoustic Guitar, Serial Number 242530
97	PRS, Tim Mahoney Guitar, Serial Number M05824
98	Cupit Music, Travel Acoustic Guitar
99	Gibson Epiphone, Les Paul Acoustic Guitar, Serial Number 12112305962
100	Artist Series Guitar, Alice Cooper Electric Guitar, Serial Number 1140275
101	Danelectro, Silvertone Electric Guitar, Serial Number 030898
102	Fender, Dquier Bullet Electric Bass Guitar, Serial Number CGS08401888
103	Fender, Sonoran SCE Custom Acoustic Guitar, Serial Number CSB15000887
104	Seagull Guitars, S6 Acoustic Guitar, Serial Number 039524000147
105	Toca Percussion, L.E. Series Conga Synergy Drums, Serial Number 1936117000
106	Reverend Guitars, Buckshot Electric Guitar, Serial Number 19185
107	Ibanez, XPT700 Electric Guitar, Serial Number I100624240
108	Fender, Chris Shiflett Telecaster Deluxe Electric Guitar, Serial Number MX13322020
109	Conrad Electric Guitar, Serial Number 2129701
110	Fender Stratacoustic, Serial Number 140303216
111	PRS Guitar, SE Paul Allender Guitar, Serial Number N16060
112	Fender Telecaster Guitar, Serial Number MX11247920
113	Richenbacker International, 6 String Electric Guitar, Serial Number 26735
114	Vintage Sears/Silvertone, 6 String Electric Guitar and Bass with Speaker in Case

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### FORFEITED PROPERTY

115	Ovation, Limited Edition Celebrity LTD CP2001 6 String Acoustic Guitar
116	Seagull Entourage Rustic 6 String Acoustic Guitar, Serial Number 029822023680
117	Ovation, Tangent M0B57, 6 String Acoustic Guitar
118	Dean, 5 String Banjo, Serial Number 030281
119	Artist Series Guitar, Walking Dead-Crossbow Electric Guitar, Serial Number SG32/50
120	Artist Series Guitar, Motorhead Vision Electric Guitar, Serial Number 1140080
121	Yamaha Electronics, USA Bass Guitar, Serial Number BB1024X
122	Dean, Exotica Zebra 6 String Acoustic Guitar, Serial Number SW11304370